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Written Testimony of Congressman Kurt Schrader
In Support of HR 4888, a bill to amend the Grand Ronde Reservation Act
Before the Subcommittee for Indigenous Peoples of the United States
Committee on Natural Resources

Mr. Chairman, thank you for the opportunity to submit testimony today in support of my bill, HR 4888, a bill to amend the Grand Ronde Reservation Act. This legislation is a technical correction that would restore historical parity for the Confederated Tribes of Grand Ronde in Oregon.

HR 4888 concerns the 84-acre "Thompson Strip," a piece of Grand Ronde's original reservation lands that was erroneously excluded in an 1871 survey of the reservation. Because it was not included in this survey of the reservation, the Thompson Strip was also excluded from a 1904 sale of the unallotted lands within the reservation and Grand Ronde was not compensated for it. The Bureau of Land Management (BLM) held the land and allowed three private companies to harvest timber on it, profits from which the Tribe never received. The Tribe, thus, lost two avenues of compensation because of this initial survey error.

BLM discovered the hiatus in 1988 and arranged a land exchange with Grand Ronde in which the Tribe would receive 240 acres of BLM land contiguous to the present Grand Ronde Reservation in exchange for relinquishing their claim to the Thompson Strip. The land exchange was agreed to by the Tribe and the Oregon BLM office as a dollar-for-dollar compensation for the Thompson Strip sale and the lost timber income.

In the 1994 legislation to effectuate this land exchange, language was erroneously inserted that relinquished Grand Ronde's right to bring any land claims in the whole State of Oregon, not just the Thompson Strip. No other Tribe in Oregon is held to that statewide requirement. The current statute is far broader than the Tribe, BLM, or Congress intended, and I will demonstrate that this is the case.

Ron Scherler of the Oregon State BLM wrote in a June 1994 memo that the land exchange bill should not extinguish all land claims in the entire State of Oregon and should apply only to the Thompson Strip. He was concerned that there could be similar survey errors on the reservation land that we are not aware of. In his memo, Scherler wrote that a bill which would extinguish all land claims within the state would not protect the rights of the Tribe.

Congressman Mike Kopetski, one of my predecessors in Oregon's Fifth Congressional District, led the 1994 legislative effort to make the Thompson Strip land exchange. He testified before this same subcommittee, saying "Under this bill, the tribe will relinquish their claim to the 84 acres in exchange for a parcel of 360 acres [later revised to 240 acres] of BLM land which is adjacent to the tribe's current reservation." Congressman Kopetski's clear intent was for Grand Ronde to give up their claim to the Thompson Strip, not all lands in the State of Oregon.

Mark Mercier, then-Chairman of the Confederated Tribes of Grand Ronde, testified at the same hearing as Congressman Kopetski. His testimony again makes clear that Grand Ronde intended to relinquish their claims to this land that was incorrectly surveyed and makes no mention of the rest of the state.

As you can see, the 1994 language was unintentionally broad. Grand Ronde did not know that this statewide language was inserted until just recently and has been working to rectify this error through HR 4888. The bill would change the statute to read that Grand Ronde relinquishes all claims to the Thompson Strip, not all lands within the State of Oregon. Our legislation will restore historical parity by reinstating Grand Ronde's ability to pursue claims to land within the State of Oregon that are based on their original Grand Ronde Reservation. No other Tribe in Oregon has had their land claim rights extinguished for the entire state. This is a carefully written technical fix, and to eliminate any possible gaming concerns HR 4888 would prohibit class II or class III gaming on any land or any land claim settlements that the Tribe obtains.

This bill is supported by every Member of Congress from Western Oregon, and the companion bill, S. 2716, is supported by both of Oregon's Senators. It has broad support from other Tribes in Oregon and from the State of Oregon.

I urge strong support for HR 4888, important, common-sense legislation that would restore the land claims rights of the Confederated Tribes of Grand Ronde. Thank you.